

DANIEL G. BOGDEN
United States Attorney
CRISTINA D. SILVA
Assistant United States Attorney
333 Las Vegas Blvd. South, Suite 5000
Las Vegas, Nevada 89101
PHONE: (702) 388-6336
FAX: (702) 388-6418

***UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA***

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON ANDRE,

Defendant.

2:11-cr-00374-JCM-CWH

**UNOPPOSED MOTION FOR LEAVE
OF COURT TO PRODUCE
DISCOVERY UNDER
SEAL IN THE STATE OF NEVADA
AND FOR ISSUANCE OF A
PROTECTIVE ORDER**

COMES NOW the United States of America, by and through DANIEL G. BOGDEN, United States Attorney, and Cristina D. Silva, Assistant United States Attorney, and hereby requests that this Court enter an order allowing the Government to produce a search warrant that is currently under seal in the State of Nevada. The Government is also seeking a protective order to limit disclosure of the sealed search warrant. The unopposed motion is based on the following:

1. On October 11, 2011, the Defendant, Jason Andre, was charged in a four count indictment, charging him with one count of *Felon in Possession of a Firearm*, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2), one count of *Possession of a Silencer*, in violation of Title 26, United States Code, Sections 5861(d) and 5871, one count of *Possession of Marijuana with Intent to Distribute*, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(c), and one count of *Possession of Psilocybin with Intent to Distribute*, in violation of

1 Title 21, United States Code, Sections 841(a)(1) and (b)(1)(c).

2 2. On March 12, 2012, counsel for both parties filed a motion to designate the case as
3 complex for discovery purposes. Doc. #17. The motion was granted by the Honorable James C.
4 Mahan on April 18, 2012. Doc. #21.

5 3. Since designating the case as complex, both parties have been working to
6 expeditiously resolve the case. It was determined that a search warrant, which is relevant and
7 directly related to this case, had not been provided in discovery because it remains under seal in the
8 State of Nevada. The search warrant needs to be turned over as soon as possible in order for the
9 Government to comply with its on-going discovery obligations under Rule 16 of the Federal Rules
10 of Criminal Procedure.

11 4. Further, providing the search warrant will likely assist both parties to potential
12 resolve the case, and they are engaged in on-going plea negotiations.

13 5. Because the search warrant remains under seal, the Government is also seeking a
14 protective order to limit disclosure of the State of Nevada search warrant. The Protective Order is
15 necessary in order for the Government to comply with its discovery obligations pursuant to Rule 16,
16 and well as to maintain the confidentiality of the sealed search warrant. As a result, the Government
17 seeks to limit disclosure of the sealed State of Nevada search warrant (hereinafter the "Protected
18 Document") to the following individuals: the defendant, the attorney for the defendant, and any
19 personnel that the attorney for the defendant considers necessary to assist in performing that
20 attorney's duties in the defense of this case, including investigators, paralegals, experts, support staff
21 and any other individuals specifically authorized by the Court (collectively, the "Covered
22 Individuals").

23 6. Without leave of Court, the Covered Individuals shall not:

24 a. make copies for, or allow copies of any kind to be made by any other person

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON ANDRE,

Defendant.

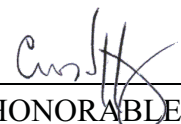
2:11-cr-00374-JCM-CWH

ORDER

Based on information provided in Government's MOTION FOR LEAVE OF COURT TO PRODUCE DISCOVERY UNDER SEAL IN THE STATE OF NEVADA AND FOR ISSUANCE OF A PROTECTIVE ORDER, the Court hereby:

1. GRANTS the Government's motion for leave of court to produce a copy of the sealed State of Nevada search warrant to defense counsel. Further, the Court GRANTS Government's Motion for Issuance of a Protective Order for the sealed Search Warrant. The Government shall have ____ days to produce the search warrant to the Defendant and his counsel.

DATED this 7th day of SEPTEMBER, 2012.



HONORABLE CARL W. HOFFMAN
United States Magistrate Judge

CERTIFICATE OF SERVICE

I, Cristina D. Silva, certify that the following individual was served with a copy of the GOVERNMENT'S MOTION FOR LEAVE OF COURT TO PRODUCE DISCOVERY UNDER SEAL IN THE STATE OF NEVADA AND FOR ISSUANCE OF A PROTECTIVE ORDER on this date by the below identified method of service:

Electronic Case Filing
Kevin Leik, Esq.
Melinda Weaver, Esq.
Patti, Sgro & Lewis
Counsel for Defendant JASON ANDRE
720 South Third Street
3rd Floor
Las Vegas, NV 89101

DATED: September 7, 2012

//s//
CRISTINA D. SILVA
Assistant United States Attorney